

Certificate of Mailing

"Express Mail" mailing label number EV 332 011 855 US. I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated and is addressed to: Mail Stop: Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on September 15, 2003.
 By: CSF Printed: Nancy Ramos Katherine Stafer

03940 U.S. PTO
10/669586



09/15/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)

Commissioner for Patents

Box Patent Application

Washington, D.C. 20231

Dear Sir:

This is a request for filing a **DIVISIONAL** application under 37 CFR 1.53(b) of pending prior application Serial No. 09/639,731, filed on August 15, 2000, entitled MICROARRAY PLACER UNIT, which is being incorporated herein by reference.

- Enclosed is a specification corresponding to the prior application, U. S. Application Serial No. 09/639,731, filed on August 15, 2003, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.

Amend the specification by inserting after the title: "This application is a application of U.S. application serial number , filed , all of which applications and patents are hereby incorporated herein by reference."

- Cancel in this application original claims 13-18 before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention disclosed herein which is not set forth in the instantly filed claims.

- The inventor(s) of the invention being claimed in this application is (are): JoeBen Bevirt, Eric Rollins.

- The prior application is assigned of record to Incyte Corporation, formerly known as Incyte Genomics, Inc., also formerly known as Incyte Pharmaceuticals, Inc., recorded on June 26, 2001, at reel/frame 011957/0186.

- The invention was not made by an agency of the United States Government or under a contract with an agency of the United States Government.

ENCLOSURES

- Application Data Sheet (ADS) (3 pp.).
- Blanket Exemption from Requirements Under § 42 U.S.C. 2182 Letter (1 pg.).
- In accordance with 37 CFR 1.63(d), a copy of the originally signed declaration showing applicant's/applicants' signature(s) as filed on (3 pp.).
- Submission of Formal Drawings (1 pg.); and 29 Sheets of Formal Drawings, including Figures 1, 2A, 2B, 3A, 3B, 3C, 4, 5A, 5B, 5C, 6A, 6B, 6C, 7, 8, 9, 10, 11A, 11B, 12A, 12B, 12C, 12D, 13, 14A, 14B, 14C, 14D, 15, 16, 17, 18, 19, 20A, 20B, 21, 22, 23, 24A, 24B, 24C, 24D, 25, 26A, 26B.
- Information Disclosure Statement (2 pp.); and List of References Cited PTO-1449 (2 pp.).

- | |
|---|
| <input checked="" type="checkbox"/> A new Certification under 37 C.F.R. §3.73(b), Revocation of Power of Attorney and Appointment of New Attorneys (2 pp.). |
| <input checked="" type="checkbox"/> Preliminary Amendment (5 pp.) |

CLAIMS AS FILED

Claims	Number Filed	Minus	Number Extra	Other Than Small Entity Rate	Fee	Basic Fee	
						\$	750.00
Total Claims	16	-20		x \$18		\$	0
Indep. Claims	3	-3		x \$84		\$	0
Multiple Dependent Claim(s), if any				+ \$280		\$	0
						Filing Fee:	\$ 750.00

FEE CALCULATION AND METHOD OF PAYMENT

The Fee has been calculated as follows:

- | | |
|---|-----------|
| <input checked="" type="checkbox"/> Fee for filing a Divisional Application Under 37 CFR 1.16 (a): | \$ 750.00 |
| <input checked="" type="checkbox"/> Please charge Deposit Account No. 09-0108 in the amount of : | \$ 750.00 |

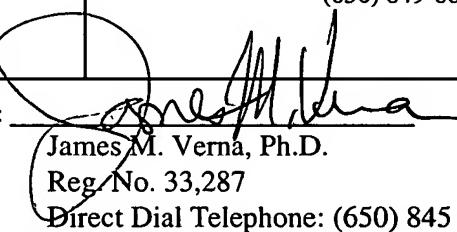
Applicants hereby authorize the Commissioner to treat any concurrent or future reply in this application that requires a petition for an extension of time under 37 CFR 1.136(a) to be timely, as incorporating a petition for extension of time for the appropriate length of time; and to charge all required fees, including fees under 37 CFR 1.16, 1.17, and all required extension of time fees, or to credit any overpayment, to Deposit Account **09-0108**. This sheet is enclosed in duplicate.

CORRESPONDENCE ADDRESS (Customer No. 27904)

INCYTE CORPORATION
LEGAL DEPARTMENT
3160 Porter Drive
Palo Alto, California 94304

Phone: (650) 855-0555
Fax: (650) 845-4166 or
(650) 849-8886

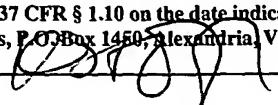
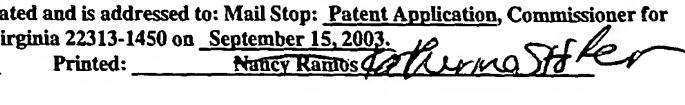
Date: September 15, 2003

By: 

James M. Verna, Ph.D.
Reg. No. 33,287
Direct Dial Telephone: (650) 845 -5415

- | |
|--|
| <input checked="" type="checkbox"/> Attorney or Agent of record. |
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By:  Printed: Nancy Ramos 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Bevirt et al.

Title: MICROARRAY PLACER UNIT

Serial No.: To Be Assigned Filing Date: Herewith

Examiner: To Be Assigned Group Art Unit: To Be Assigned

Mail Stop: Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUBMISSION OF FORMAL DRAWINGS

Sir:

Transmitted herewith are Figure(s) 1, 2A, 2B, 3A, 3B, 3C, 4, 5A, 5B, 5C, 6A, 6B, 6C, 7, 8, 9, 10, 11A, 11B, 12A, 12B, 12C, 12D, 13, 14A, 14B, 14C, 14D, 15, 16, 17, 18, 19, 20A, 20B, 21, 22, 23, 24A, 24B, 24C, 24D, 25, 26A, 26B, as Twenty-Nine (29) sheets of formal drawings for this application. Each sheet of drawing indicates the identifying indicia suggested in 37 CFR Section 1.84(c) on the front side of the drawings.

Applicants believe that no fee is due with this paper. However, if the Commissioner determines that a fee is necessary, the Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. **09-0108**.

If there are any questions regarding the above, the Examiner is invited to call the undersigned.

Respectfully submitted,

INCYTE CORPORATION

Date: September 15, 2003 James M. Verna, Ph.D.

Reg. No. 33,287

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Department of Energy
Washington, DC 20585

MAR 3 2003

Mr. Michael Carone
Office of Licensing and Review
U.S. Patent and Trademark Office
Technology Group 3600
Crystal Park 5
Arlington, Virginia

Re: Blanket Exemption from Requirements Under §42 U.S.C. 2182 for Incyte Genomics, Inc.

Dear Mr. Carone:

The U.S. Department of Energy (DOE) wished to grant Incyte Genomics, Inc. (Incyte) a blanket exemption from the requirements under §42 U.S.C. 2182 for their patent applications disclosing inventions involving radionuclides. This blanket exemption is granted based on assertions set forth in Incyte's letter to DOE dated February 25, 2003. No blanket exemption is granted from the requirements of any other statute, including the security review statute, §42 U.S.C. 2181.

This blanket exemption will be effective from the date of this letter for one (1) calendar year (the "Blanket Exemption Period"), and covers all Incyte patent applications now pending before the U.S. Patent and Trademark Office and will cover all Incyte patent applications filed within the Blanket Exemption Period. Therefore, the Blanket Exemption Period ends on February 26, 2004. For the Blanket Exemption Period, Incyte will include a copy of this letter with all applicable applications. This blanket exemption may be renewed for successive one (1) year periods upon Incyte's request, subject to DOE approval. DOE will notify your office in writing of such renewals, if granted.

Sincerely,

A handwritten signature in black ink, appearing to read "PA GOTTLIEB".

Paul A. Gottlieb
Assistant General Counsel
for Technology Transfer
and Intellectual Property
(202) 586-2802

